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FILED 05 MAY 04 17:13 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT S. STIRTON,

Plaintiff,

vs.

ASSET ACCEPTANCE LLC, a Delaware
corporation, unregistered in Oregon, doing
business in Oregon,

Defendant.

Case No. 04-CV01015-KI

STIPULATED MOTION FOR ORDER
DISMISSING THIRD CLAIM FOR
RELIEF WITH PREJUDICE AND
WITHOUT COSTS OR ATTORNEY
FEES TO EITHER PARTY AND
STRIKING DEFENDANT'S MOTION
FOR PARTIAL SUMMARY JUDGMENT

THE PARTIES HEREBY STIPULATE AND AGREE, subject to the approval of
the Court, that the following order be entered (the "Stipulation and Order"):

1. Defendant's motion for partial summary judgment is stricken, and held for naught; and
2. Plaintiff's third claim for relief based on alleged violation of the Assumed Business Name Statute is dismissed with prejudice, and without costs or

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FOR RELIEF WITH PREJUDICE AND WITHOUT COSTS OR
ATTORNEY FEES TO EITHER PARTY AND STRIKING
DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

attorney fees to either party.

DATED: May 3, 2005

Marshall F. [Signature]
JUDGE

STIPULATED TO AND PRESENTED BY:

s/Justin M. Baxter

05-03-05

Justin M. Baxter, OSB# 99217
Of Attorneys for Plaintiff Robert Stirton

Date

[Signature]
Jeffrey I. Hasson, OSB# 87241
Of Attorneys for Defendant
Asset Acceptance LLC

5-3-05
Date

PAGE 2. STIPULATED MOTION FOR ORDER DISMISSING THIRD CLAIM
FOR RELIEF WITH PREJUDICE AND WITHOUT COSTS OR
ATTORNEY FEES TO EITHER PARTY AND STRIKING
DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and complete copy of the foregoing **STIPULATED**

ORDER, upon:

Jeffrey I. Hasson
Davenport & Hasson
12707 NE Halsey St.
Portland, OR 97230

Frank H. Lagesen
Robert Sabido
Cosgrave Vergeer Kester LLP
805 SW Broadway 8th Flr
Portland OR 97205

☒ Via First Class Mail

☐ Via Facsimile

☐ Via Hand Delivery

☒ Via Electronic Mail

DATED this 3rd day of May, 2005.

/s/ Justin M. Baxter

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